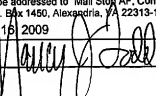



PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) P15199-US1	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>March 16, 2009</u> Signature:  Typed or printed name <u>Nancy J. Todd</u>		Application Number 10/500,992 Filed 01/10/2005 First Named Inventor Gergely Molnar Art Unit 2444 Examiner ANWARI, MACEEH	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/65) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>53,987</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		 Signature <u>Thomas Bethea, Jr.</u> Typed or printed name <u>972-583-4859</u> Telephone number <u>March 16, 2009</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

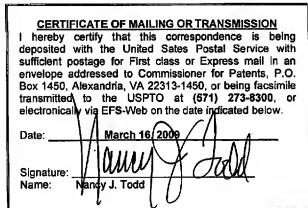
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gergely Molnar	§	Group Art Unit:	2444
		§		
Application No:	10/500,992	§	Examiner:	ANWARI, MACEEH
		§		
Filed:	01/10/2005	§	Confirmation No:	1831
		§		
Attorney Docket No:	P15199-US1			
Customer No.:	27045			

For: METHOD AND APPARATUS FOR MANAGING CONFIGURATION OF A NETWORK

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Dear Examiner:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Issues regarding the Pre-Appeal Brief Request are as follows:

1) The Final Office Action

Claims 12-21 stand rejected as being unpatentable over Schroder, et al (U.S. Patent No. 7,102,329 B1, hereinafter "Schroder") and further in view of Hanselmann (U.S. Patent No. 7,116,634 B1, hereinafter "Hanselmann").

It is stated that the Applicant's arguments filed October 8, 2008 have been fully considered but the arguments are not persuasive.

ARGUMENTS

Issue 1

There is insufficient support for the rejection of claims 12-21 under 35 U.S.C. 103(a). The present invention, in one embodiment, discloses managing configuration of a network in a management centre, the network having a plurality of target objects, remarkable in that it comprises: elaborating a model of the network to be managed; identifying a plurality of target objects to be configured in the network; validating the changes to be made upon configuration of the plurality of target objects; and, if all changes have been validated: finding a sequence of target routers that provides continuous connectivity to the management centre; and configuring each of the target routers. Thus, thanks to the present invention, the network administrator can concentrate on actual network-wide object management instead of complex and time-consuming distributed, per-element implementation.

In contrast, Schroder is related only to operations on a single router and is not concerned with the relation among routers, e.g., the topology of the network. As such, Schroder also fails to teach a management centre as recited in the claims since Schroder is only concerned with forwarding traffic for a single router while that single router receives a software upgrade. Schroder, in the passage cited by the Examiner, discloses interruption of service in order to upgrade/reload software and a "hot swap" of software. Neither technique described in Schroder teaches the limitations of Applicant's claims. Namely, Schroder fails to at least teach "finding a configuration sequence of target routers...".

The present invention, as recited in independent claims 12 and 17 is concerned, in one embodiment, with the finding a configuration sequence of target routers in order to maintain continuous connectivity to the management center. In Schroder, no such configuration sequence of target routers is taught, disclosed, or suggested. In fact, it can be said that Schroder teaches away from finding a configuration sequence of target routers since Schroder is only concerned with swapping old software for new software in a router without disrupting traffic flowing through that single router.

In addition, the Examiner concedes that Schroder fails to teach "finding a configuration sequence of target routers associated with said target objects that

provides continuous connectivity to said management centre." See Office Action, Section 3, paragraph 3. In order to cure the Examiner's perceived deficiency of Schroder, Hanselmann is cited.


Applicant respectfully traverses the Examiner's characterization of the Hanselmann reference. Hanselmann discloses a sequence number associated with data, where the sequence number of the data is used by an active router and a standby router in order to recover a data connection. See Hanselmann, Abstract. Applicant's claims recite a **finding a configuration sequence of target routers** not a sequence number of data as taught by Hanselmann. The Examiner cites Hanselmann (col. 1, lines 10-37) and Hanselmann (col. 1, line 63 – col. 2, line 19) as teaching "a configuration sequence of target routers". Hanselmann only discloses that a host forwards traffic to a virtual router. In Hanselmann, the virtual router includes physical active and standby routers where traffic is directed to one of the standby routers when the active router fails. Clearly, Hanselmann does not teach "finding a configuration sequence of target routers", as recited by Applicant's claims. As such, Schroder and Hanselmann, in any permissible combination fail to teach, disclose, or suggest what is recited by Applicant's independent claims 12 and 17.

In view of the above arguments, Applicant respectfully asserts that independent claims 12 and 17 are patentable over the cited art. Claims 13-16 and 18-21 are patentable at least by virtue of depending from their respective base claims. Therefore, the allowance of claims 12-21 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Panel withdraw all rejections and issue a Notice of Allowance for all pending claims.

Respectfully submitted,

By: 

Thomas Bethea, Jr.
Registration No. 53,987

Date: March 16, 2009

Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11, Plano, TX
(972) 583-4859
thomas.bethea.jr@ericsson.com